

ORIGINAL

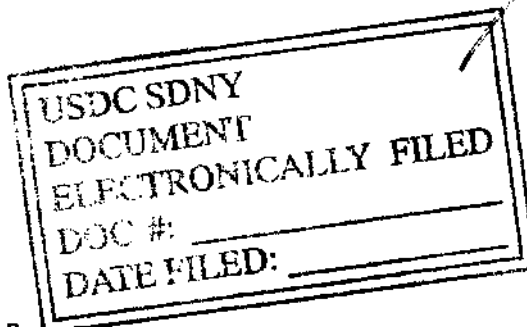
## U.S. Department of Justice

United States Attorney  
Southern District of New York

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The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

June 24, 2009

VIA FAXHonorable Lisa Margaret Smith  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601Re: Search Warrants 09 Mag. 1313-1319

09 mag 1237

09CR 558

Dear Judge Smith:

On June 2, 2009, New York State Trooper James Maxwell and my colleague, AUSA David Leibowitz, presented Your Honor with the above-referenced search warrants for numerous items, including but not limited to at least 24 items of electronic evidence including: 15 cellphones, a desktop computer, a laptop computer, three flash memory cards, one video camera, one Subscriber Identity Module card, one digital camera, and an external hard drive (or "thumbdrive") seized from locations used by defendants James Cromitie, David Williams, Onta Williams and Laguerre Payen. The search warrant signed by Your Honor indicated that the search was to be conducted within 10 days.

On Sunday, June 7, 2009, the FBI agent assigned to this case, Robert Fuller, (the "Agent") submitted an electronic request to FBI Headquarters to get these items analyzed. On Monday, June 8, 2009, the Agent delivered these items to an FBI lab in New Jersey and requested that a computer analysis technician be assigned to analyze each of these items and image the two computer hard drives. (The delay in transporting these items to the FBI lab in New Jersey was due, in part, to the Agent's need to travel to Virginia on Wednesday, June 3, 2009 and Thursday, June 4, 2009, to: (1) return the Stinger missiles and the IEDs to the FBI laboratory where they will be kept until

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trial; and (2) retrieve from another FBI site in Virginia an original hard drive evidence containing video recordings of the May 20, 2009 events so that these recordings could be copied and provided as discovery to the defendants.)

Although these 24 items of electronic evidence were delivered to the FBI lab on June 8, 2009, they were not immediately assigned to a technician for analysis because there are only two technicians at this FBI lab who are adequately trained and certified to conduct examinations on cellphones, and these two technicians were already involved in analyzing evidence from other cases. Late last week, after the FBI case manager at that facility had assigned a technician to continue processing this evidence, that case manager inquired if the process of analyzing these items could continue as the ten-day period authorized by Your Honor for these searches had already expired. The Government instructed the FBI case manager to cease any further processing of these items until we could seek an extension of the ten-day search period in which to analyze this evidence. Additionally, based on what we have since learned about searching such a large volume of electronic evidence, we can inform the Court that it will be simply impossible to conduct a thorough review of the items designated in the aforementioned search warrants even within an additional 10 days. The FBI stands ready to continue their work on these devices; however, at this time, we seek an additional 30 days from the date of this letter within which to conduct a thorough analysis of this evidence. Thus, by July 24, 2009, we will either file a search warrant return or inform the Court of our progress and seek additional time to conduct this search, if necessary.

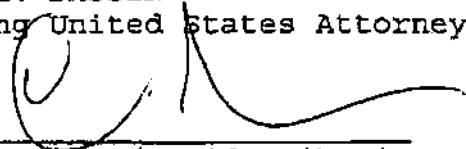
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If this request is acceptable to Your Honor, I respectfully request that you "So Order" this letter below. Thank you very much for your consideration in this matter.

Respectfully submitted,

LEV L. DASSIN  
Acting United States Attorney

By:

  
Eric Snyder/David Leibowitz  
Assistant U.S. Attorneys  
(212) 637-2534/1947

SO ORDERED:

  
HON. LISA MARGARET SMITH  
UNITED STATES MAGISTRATE JUDGE

DATE

6/24/09